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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/686,843	10/16/2003	Ronald M. Rockwell	A2487Q-US-NP XERZ 2 01280	8490
7590 07/11/2008				
Patrick R. Roche FAY, SHARPE, FAGAN, MINNICH & McKEE, LLP Seventh Floor 1100 Superior Avenue Cleveland, OH 44114-2579				
EXAMINER BORISSOV, IGOR N				
ART UNIT 3628		PAPER NUMBER		
MAIL DATE 07/11/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/686,843

**Applicant(s)**

ROCKWELL, RONALD M.

**Examiner**

Igor N. Borissov

**Art Unit**

3628

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2008.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-47 is/are pending in the application.  
4a) Of the above claim(s) 13 and 24-47 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-12 and 14-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 16 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Amendment received on 04/02/2008 is acknowledged and entered. Claims 13 and 24-47 have been withdrawn. Claims 1, 4, 15, 22, 23, 38, 39, 43 and 47 have been amended. Claims 1-47 are currently pending in the application.

### ***Terminal Disclaimer***

Terminal Disclaimer filed on 04/02/2008 has been acknowledged and entered.

### ***Specification***

Objections to the Specification have been withdrawn due to the Applicant's amendment.

Claim Rejections under 35 USC § 112 and 35 USC § 101 have been withdrawn due to the Applicant's amendment.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-12 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Westerinen et al. (US 7,065,740 B2) in view of Simpson et al. (US 2003/0033445 A1).**

Westerinen et al. teaches a method for providing services, comprising:

Claims 1-12 and 14-23:

running a service consumer interface to identify a requested service (C. 2, L. 58-67), running an entity management module (C. 4, L. 5-37), running an order processing module (C. 14, L. 57 - C. 15, L. 15), running a policy and preferences module for deploying services (C. 4, L. 27-31), running a registration module (C. 11, L. 3-15), running a service definitions module (C. 4, L. 5-37), running a service developer interface module (C. 2, L. 58-67), and running a service participant interface module (C. 2, L. 58-67), wherein services are based on service lifecycle (C. 4, L. 5-10), in remote (outside) environment (C. 7, L. 40-65), and security concerns (C. 12, L. 23). Furthermore, provisioning for service definitions (C. 11, L. 15-40) for assisting in monitoring (C. 11, L. 40-55) and development, distribution and updating of services is provided (C. 12, L. 15-35).

Westerinen et al. does not specifically teach that said services include a printing device services, and that running a policy and preferences module for deploying services includes defining uniform service version based on predetermined criteria.

Simpson et al. teaches a computer implemented method for operating a web imaging system for use with a browser on an imaging client, including providing an interface for identifying printing service; generating a user's personal imaging repository in accordance with the user profile; selecting a preferred printer based on criteria and a context [0083]; [0330]; [0373].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Westerinen et al. to include that said services include a printing device services, and that running a policy and preferences module for deploying services includes defining uniform service version based on predetermined criteria, as disclosed in Simpson et al., because it would advantageously allow to increase the application field of the Westerinen's system, thereby potentially increase revenue.

Furthermore, in this case, each of the elements of the cited references combined by the Examiner performs the same function when combined as it does in the prior art. Thus, such a combination would have yielded predictable results. *See Sakraida*, 425

U.S. at 282, 189 USPQ at 453. Therefore, Supreme Court Decision in *KSR International Co. v. Teleflex Inc.* (KSR, 82 USPQ2d at 1396) forecloses the argument that a specific teaching, suggestion, or motivation is required to support a finding of obviousness. See the recent Board decision *Ex arte Smith*, --USPQ2d--, slip op. at 20, (Bd. Pat. App. & Interf. June 25, 2007).

### ***Response to Arguments***

Applicant's arguments filed 04/02/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art fails to disclose a services provisioning method for a printing system wherein the method includes running a service consumer interface module to identify a requested printing device service offering from a device model agent (DMA), and a printing system method wherein the method deploys one or more services to the one or more printing devices, it is noted that Simpson et al. was applied to this feature. Specifically, Simpson et al. discloses providing an interface for identifying printing service; generating a user's personal imaging repository in accordance with the user profile; selecting a preferred printer based on criteria and a context [0083]; [0330]; [0373].

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the 6/25/2008e Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/

Primary Examiner, Art Unit 3628

06/25/2008